

REGULAR MEETING

MAY 7, 1998

The Ashland Board of Commissioners met in Regular Session in the Commission Chambers, City Building, Ashland, Kentucky, on Thursday, May 7, 1998, at the hour of 7:00 PM. Those present were Commissioners: Norman "Dutch" Berry, Kevin Gunderson, Michael Stewart, Paul Reeves and Mayor A. R. Dunnigan, who presided. Also present were: William H. Fisher, Jr., City Manager; Richard W. Martin, Corporation Counsel; Kevin P. Sinnette, Assistant Corporation Counsel; Deborah D. Musser, City Clerk; Gary Watts, Fire Chief; Ronald W. McBride, Chief of Police; Tony Grubb, Finance Director; Joseph P. Harris, Director of Public Services; Amanda Sinnette, Economic Development Director; Mike Rogers, Mass Transit Superintendent; Marion Russell, Assistant Director of Public Services; Michelle Veach, Finance Department and Reporters.

The Invocation was given by Commissioner Berry.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Fisher presented the agenda of May 7, 1998. Motion was made by Stewart, seconded by Reeves, to receive and file the agenda. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

HEARINGS AND REPORTS

City Manager's Report - Request from 201st Engineering Battalion for City representatives to travel to Panama & Ecuador on June 15 - 17. Mayor Dunnigan does not have a passport. There are both Air & Army National Guard units there. There would be no cost to the City. Motion was made by Reeves, seconded by Stewart, authorizing City Manager Fisher and Corporation Counsel Martin to go on the trip. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 43, 1998

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, AUTHORIZING AND
DIRECTING A. R. **AND** DUNNIGAN, MAYOR,
TO EXECUTE AN AGREEMENT **FINAL** WITH
HERITAGE BANK REGARDING PLACEMENT OF
ADOPTION A SIGN AT 735 CENTRAL AVENUE ON
THE CITY'S RIGHT-OF-WAY.

* * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Board of Commissioners hereby authorizes and directs A. R. Dunnigan, Mayor, to execute the attached agreement with Heritage Bank regarding placement of a sign at 735 Central Avenue which involves using a portion of the City's right-of-way. A copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to

CITY CLERK
REGULAR MEETING MAY 7, 1998
ORDINANCE NO. 43, 1998 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: April 16, 1998
READOPTED BY THE BOARD OF COMMISSIONERS: May 7, 1998
PUBLISHED:

MOTION:

Motion was made by Gunderson, seconded by Berry, to adopt Ordinance No. 43, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 44, 1998

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, AUTHORIZING AND
DIRECTING A. R. **AND** DUNNIGAN, MAYOR,
TO SUBMIT THE 1998 ACTION **FINAL** PLAN IN THE
SUM OF \$855,000 FOR A COMMUNITY **ADOPTION**
DEVELOPMENT BLOCK GRANT TO THE U. S.
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT (HUD), AND UPON ACCEPTANCE OF
SAID APPLICATION FROM HUD, TO EXECUTE ON
BEHALF OF THE CITY OF ASHLAND, AN
AGREEMENT WITH THE U. S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT TO ENABLE
THE CITY TO UNDERTAKE THESE ACTIVITIES
AND/OR ANY AND ALL DOCUMENTS ASSOCIATED
WITH THIS GRANT SUBMITTAL.

* * * * *

WHEREAS, it is necessary and in the public interest that the City of Ashland, Kentucky, avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1974 in order to continue a Community Development Program within the City of Ashland; and

WHEREAS, the Federal Department of Housing and Urban Development requires that such a statement for Title I assistance be submitted to the Department of Housing and Urban Development (HUD) thirty (30) days prior to the beginning of the next program year; and

WHEREAS, it is recognized that the federal contract for such financial assistance, pursuant to said Title I, will impose certain obligations and responsibilities upon the City of Ashland and will require, among other things:

- (1) approval of a satisfactory statement by the Federal Department of Housing and Urban Development (HUD);
- (2) certification by the City of Ashland, Kentucky, or its designee, relating to activities such as civil rights, citizen participation, relocation payments, acquisition of properties, national environmental policies

WHEREAS, said Statement contains an allocation of funds and a scheme or proposed expenditures for the Community Development Block Grant:

REGULAR MEETING MAY 7, 1998

ORDINANCE NO. 44, 1998 CONTINUED

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Statement on behalf of the City of Ashland for Community Development Block Grant Funding under Title I of the Federal Housing and Community Development Act of 1974, in the sum of \$855,000.00, which statement is attached to this Ordinance and the 1998 Action Plan are hereby approved by the Board of Commissioners of said City and A. R. Dunnigan, Mayor, is hereby authorized and directed to execute and submit said Statement, and subsequent Agreement to the Federal Department of Housing and Urban Development for approval; to provide such documentation and certifications as may be required by the Department of Housing and Urban Development; and, further, to act as the authorized correspondent of the City of Ashland relating to the Community Development Program.

SECTION 2. That the United States of America and the Secretary of Housing and Urban Development be, and hereby are, assured of full compliance by the Board of Commissioners of the City of Ashland, Kentucky, with certifications relating to all regulations and administration of Civil Rights Act, citizen participation, relocation payments, acquisition processes, accounting procedures, the Hatch Act, minimum wage and minimum hour provisions of the Fair Labor Standards Act, and all requirements of the National Environmental Policy Act of 1968.

SECTION 3. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 5. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: April 16, 1998

READOPTED BY THE BOARD OF COMMISSIONERS: May 7, 1998

PUBLISHED:

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. 44, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 45, 1998

SECOND

AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, PROHIBITING PARKING ON

SECTION 2. The Director of Public Services is hereby authorized and directed to install appropriate signs and/or curb or street markings to properly carry the provisions of this ordinance into effect.

REGULAR MEETING MAY 7, 1998

ORDINANCE NO. 45, 1998 CONTINUED

SECTION 3. The Chief of Police is hereby authorized and directed to properly carry the provisions of this ordinance into effect and to take appropriate steps to enforce same.

SECTION 4.

4.1 Any person, firm or corporation violating the terms of this ordinance who chooses to prepay the administrative penalty, the rate shall not be less than Ten Dollars (\$10.00).

4.2 If violation of this ordinance results in a uniform citation being issued, any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a violation and shall be punished by a fine not less than Ten Dollars (\$10.00) nor more than any stated amount provided in KRS 534.040 for a violation offense.

SECTION 5. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: April 16, 1998
READOPTED BY THE BOARD OF COMMISSIONERS: May 7, 1998
PUBLISHED:

MOTION:

Motion was made by Stewart, seconded by Berry, to adopt Ordinance No. 45, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 46, 1998

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, AUTHORIZING A.R.
DUNNIGAN, MAYOR, **AND** EXECUTE A
DEED BETWEEN THE CITY OF ASHLAND **FINAL**
AND DANA JOHNSON AND JILL JOHNSON, HIS
WIFE, **ADOPTION** CONVEYING CERTAIN REAL
ESTATE ADJOINING LOT 38 OF THE FOREST HILLS
SUBDIVISION NO. 5 TO THE CITY OF ASHLAND.

* * * * *

SECTION 4. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 5. It is hereby authorized that publication of this ordinance be in summary form.

REGULAR MEETING MAY 7, 1998

ORDINANCE NO. 46, 1998 CONTINUED

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: April 16, 1998

READOPTED BY THE BOARD OF COMMISSIONERS: May 7, 1998

PUBLISHED:

MOTION:

Motion was made by Reeves, seconded by Stewart, to adopt Ordinance No. 46, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 47, 1998

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, AUTHORIZING A.R.
DUNNIGAN, MAYOR, **AND** TO EXECUTE
A DEED BETWEEN THE CITY OF **FINAL**

ASHLAND AND DANA JOHNSON AND JILL
JOHNSON, **ADOPTION** HIS WIFE, CONVEYING
LOTS 39, 40 AND 41 OF FOREST HILLS SUBDIVISION
NO. 5 TO THE JOHNSONS.

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That A.R. Dunnigan, Mayor, is hereby authorized and directed to execute on behalf of said City a Deed between the City of Ashland and Dana Johnson and Jill Johnson, his wife, conveying lots 39, 40 and 41 of Forest Hills Subdivision No. 5 to the Johnsons. Said deed is attached hereto and made a part hereof by reference.

SECTION 2. That A.R. Dunnigan, Mayor, is hereby authorized and directed to execute on behalf of said City any and all other documents related to this transaction.

SECTION 3. All ordinances of the City of Ashland and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 5. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. 47, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

REGULAR MEETING MAY 7, 1998
RESOLUTION NO. 11A, 1998

RESOLUTION NO. 11A, 1998

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION RECOMMENDED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **MAY 7, 1998.**

* * * * *

BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action recommended by the City Manager on each item appearing on the "Consent Agenda" for the meeting of **May 7, 1998.** Attached hereto and incorporated herein, as if set out in full, is a copy of the "Consent Agenda" hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 7, 1998

MOTION TO TABLE ITEM (P):

Motion was made by Stewart, seconded by Berry, to table Item (p) until the meeting to be held on May 20, 1998. Upon roll call, voting aye were Commissioners Berry, Stewart and Mayor Dunnigan. Nay - Commissioners Reeves and Gunderson. Motion passed.

MOTION:

Motion was made by Gunderson, seconded by Reeves, to adopt Resolution No. 11A, 1998, items a - o and item q. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

REGULAR MEETING MAY 7, 1998
ORDINANCE NO. _____, 1998

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING AND DIRECTING
A. R. **AND** DUNNIGAN, MAYOR, TO
EXECUTE AN AGREEMENT **ADOPTION** WITH
BILL SPARKS FOR THE INSTALLATION OF A **ONLY**
WATER LINE EXTENSION OUTSIDE THE CITY
LIMITS ON BROWNHILL DRIVE.

MOTION:

Motion was made by Reeves, seconded by Stewart, to adopt Ordinance No. _____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING A. R. DUNNIGAN,
AND MAYOR, TO EXECUTE A CONTRACT
WITH **ADOPTION** SOUTHERN OHIO TRENCHING &
EXCAVATING, INC. **ONLY** FOR THE STORM
SEWER SYSTEM IMPROVEMENTS - PHASE III - 31ST
STREET TO 35TH STREET FOR THE DEPARTMENT OF
PLANNING AND COMMUNITY DEVELOPMENT IN AN
AMOUNT NOT TO EXCEED \$177,270.00.

MOTION:

Motion was made by Reeves, seconded by Gunderson, to adopt Ordinance No. _____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING AND DIRECTING
A. R. **AND** DUNNIGAN, MAYOR, TO
EXECUTE A CONTRACT **ADOPTION** WITH
STEPHENS CONTRACTING, INC. D/B/A **ONLY**
STEPHENS HAULING FOR THE REMOVAL AND
DISPOSAL OF SLUDGE FOR A PERIOD OF ONE YEAR
FOR THE CITY OF ASHLAND, DEPARTMENT OF

REGULAR MEETING MAY 7, 1998
ORDINANCE NO. 48, 1998

ORDINANCE NO. 48, 1998

EMERGENCY

AN ORDINANCE OF THE CITY OF ASHLAND,
CLAUSE KENTUCKY,
AUTHORIZING AND DIRECTING **FIRST**
THE CORPORATION COUNSEL OF SAID
CITY **AND** TO INSTITUTE AN
ACTION IN THE BOYD **SECOND**
CIRCUIT COURT TO CLOSE AN ALLEY
READING BETWEEN 12TH AND 13TH
STREETS FROM **AND**
MONTGOMERY AVENUE TO
LEXINGTON **FINAL** AVENUE IN
THE CITY OF ASHLAND, BOYD **ADOPTION**
COUNTY, KENTUCKY, AND PROVIDING
THAT ALL COSTS OF SUCH ACTION SHALL BE
PAID BY CEDARWOOD DEVELOPMENT, INC.
AND DECLARING AN EMERGENCY TO EXIST
TO ALLOW TWO READINGS OF THIS
ORDINANCE ON THE SAME DAY.

* * * *

WHEREAS, the Board of Commissioners of the City of Ashland, Kentucky, has received a recommendation from the Acting Director of Planning & Community Development of said City, recommending the closing of an alley between 12th and 13th Streets from Montgomery Avenue to Lexington Avenue in the City of Ashland, Boyd County, Kentucky, within the corporate limits of said City. The portion to be closed is described as follows:

Beginning at a right-of-way monument in the existing northerly right-of-way of Lexington Avenue, said monument being the southeasterly corner of the Zwick property, thence; north 38° 16' 53" east 192.06 feet to an iron pin, said iron pin being south 38° 16' 53" west 99.83 feet from the southerly right-of-way line of Montgomery Avenue, thence; south 51° 43' 07" east 13 feet to an iron pin, thence; south 38° 16' 53" east 202.35 feet to an iron pin in the northerly right-of-way line of Lexington Avenue, thence; north 13° 21' 04" west 16.58 feet to the point of beginning. Containing 2563.64 square feet or 0.059 acres.

WHEREAS, a public hearing before said Planning Commission was duly advertised and held on Tuesday April 21 1998 as required by law and

Clerk of the City of Ashland.

SECTION 3. The name and address of the property owners whose land abuts upon the street and alley portions herein authorized to be closed are Thomas and Bonnie Dickerson, Ashland, Kentucky; Joseph E. and Betty Jo Galford, Catlettsburg, Kentucky; Samuel and Deborah Hampton, Ashland, Kentucky and Jude Zwick, Executor of the Estate of Elmer G. Zwick, Ashland, Kentucky, and said landowners shall be named as the defendants in such action brought by the City of Ashland.

SECTION 4. By agreement with said property owners, the expense of publication of this ordinance and all costs of the court action herein authorized shall be borne by Cedarwood Development, Inc.

REGULAR MEETING MAY 7, 1998
ORDINANCE NO. 48, 1998 CONTINUED

SECTION 5. Due to the need to allow the sale to close and the Board of Commissioners is not scheduled to hold another regular meeting until May 21, 1998, an emergency is hereby declared to exist and the rules requiring this ordinance to be read on two separate days are hereby suspended.

SECTION 6. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 7. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 8 . It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 7, 1998
READOPTED BY THE BOARD OF COMMISSIONERS: May 7, 1998
PUBLISHED:

MOTION:

Motion was made by Gunderson, seconded by Stewart, to adopt Ordinance No. _____, 1998, at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

SUSPENSION OF RULES:

Motion was made by Reeves, seconded by Stewart, to suspend the rules requiring this ordinance to be read on two separate days. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

READOPTION:

Motion was made by Reeves, seconded by Stewart, to adopt Ordinance No. 48, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves,

DESCRIBED IN THE FEBRUARY 2, 1998 SURVEY OF
JAMES F. ROBINSON.

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Reeves, Stewart and Mayor Dunnigan. Nay - Commissioners Berry and Gunderson. Motion passed.

REGULAR MEETING MAY 7, 1998
ORDINANCE NO. 49, 1998

ORDINANCE NO. 49, 1998

EMERGENCY

AN ORDINANCE OF THE CITY OF ASHLAND,
CLAUSE KENTUCKY,
AUTHORIZING AND DIRECTING **FIRST**
A. R. DUNNIGAN, MAYOR, TO SUBMIT
A **AND** HIGHWAY SAFETY
GRANT APPLICATION TO **SECOND**
THE KENTUCKY STATE POLICE,
HIGHWAY **READING** SAFETY
STANDARDS BRANCH, IN THE **AND**
AMOUNT OF \$45,320.00 FOR THE
ASHLAND **FINAL** POLICE
DEPARTMENT AND DECLARING AN
ADOPTION EMERGENCY TO EXIST TO
ALLOW TWO READINGS OF THIS ORDINANCE
ON THE SAME DAY.

* * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That A. R. Dunnigan, Mayor of the City of Ashland, Kentucky, is hereby authorized and directed to execute and submit on behalf of said City a Highway Safety grant application to the Kentucky State Police, Highway Safety Standards Branch, for funds in the amount of \$45,320.00 for a community traffic safety program to aid the Ashland Police Department. A true copy of said grant application is attached hereto and made a part hereof by reference.

SECTION 2. That A. R. Dunnigan, Mayor of the City of Ashland, Kentucky, is hereby authorized and directed to execute any and all other documents relating to said grant.

SECTION 3. Due to the need to meet a deadline of May 8, 1998 and the Board of Commissioners is not scheduled to hold another regular meeting until May 21, 1998, an emergency is hereby declared to exist and the rules requiring this ordinance to be read on two separate days are hereby suspended.

SECTION 4. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflicts only, are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after

ADOPTED BY THE BOARD OF COMMISSIONERS: May 7, 1998
READOPTED BY THE BOARD OF COMMISSIONERS: May 7, 1998
PUBLISHED:

MOTION:

Motion was made by Gunderson, seconded by Reeves, to adopt Ordinance No. _____, 1998, at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

SUSPENSION OF RULES:

Motion was made by Gunderson, seconded by Stewart, to suspend the rules requiring this ordinance to be read on two separate days. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

**REGULAR MEETING MAY 7, 1998
ORDINANCE NO. 49, 1998 CONTINUED**

READOPTION:

Motion was made by Reeves, seconded by Stewart, to adopt Ordinance No. 49, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AMENDING INJURIES AND
ACCIDENTS **AND** OCCURRING DURING
COURSE OF EMPLOYMENT **ADOPTION**
(WORKERS' COMPENSATION) SECTION OF
THE **ONLY** "PERSONNEL POLICIES AND
PROCEDURES" AS ADOPTED BY ORDINANCE NO. 25,
SERIES OF 1991 AND PREVIOUSLY AMENDED BY
ORDINANCE NO. 96, SERIES OF 1992 AND
ORDINANCE NO. 156, SERIES OF 1997.

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

RESOLUTION NO. 12A, 1998

A RESOLUTION OF THE CITY OF ASHLAND,
KENTUCKY, ACCEPTING THE PLANNING
COMMISSION RECOMMENDATION TO DENY A
PETITION TO AMEND THE OFFICIAL ZONING MAP

Planning Commission in the denial of Planning Commission Application No. 950.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 7, 1998

DISCUSSION:

David Mussetter, representing Mr. John Frisby who is undergoing medical treatment in Florida, appeared before the Commission. Charles Nolan, 3209 Newman, presented a petition signed by 40 residents of the neighborhood supporting the recommendation not to rezone the area. James Jenkins, 126 LuLu Street, also addressed the Commission and requested upholding the Planning Commission recommendation.

REGULAR MEETING MAY 7, 1998

RESOLUTION NO. 12A, 1998 CONTINUED

MOTION:

Motion was made by Reeves, seconded by Stewart, to adopt Resolution No. 12A, 1998. Upon roll call, voting aye were Commissioners Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - Commissioner Berry. Motion passed.

RESOLUTION NO. 13A, 1998

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING THE PAYMENT OF A DISCRETIONARY EMPLOYEE BONUS IN RECOGNITION OF FAITHFUL SERVICE PERFORMED BY CERTAIN EMPLOYEES OF THE CITY OF ASHLAND WHO HAVE BEEN EMPLOYED BY THE CITY FOR FIVE YEARS OR MORE.

* * * *

WHEREAS, it is the desire of the Board of Commissioners of the City of Ashland to recognize faithful past service performed by employees who have been employed by the City of Ashland for five years or more, and

WHEREAS, Tony Grubb, Finance Director, has reported to this Board that the financial condition of the City of Ashland is sufficient to pay said bonus,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the word "employee" wherever used in this resolution in either its singular or plural form, shall not apply to persons employed in the Department of Fire, whose conditions of employment are determined by a collective bargaining contract with the City of Ashland.

SECTION 2. That the Board of Commissioners after due consideration of the

absence from service duly authorized by the City Manager.

SECTION 3. All resolutions and parts of resolutions in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 4. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 7, 1998

REGULAR MEETING MAY 7, 1998
RESOLUTION NO. 13A, 1998 CONTINUED

MOTION:

Motion was made by Gunderson, seconded by Reeves, to adopt Resolution No. 13A, 1998. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

DISCUSSION ITEMS

Discussion of limited use of right-of-way request by Chris Hutchinson, 3901 Brown Street - Motion was made by Stewart, seconded by Reeves, to uphold the City Manager's recommendation for denial. Upon roll call, voting aye were Commissioners Berry, Reeves, Stewart and Mayor Dunnigan. Nay - Commissioner Gunderson. Motion passed.

Discussion of sign ordinance appeal by Chris Hutchinson, 3901 Brown Street - Motion was made by Stewart, seconded by Reeves, to uphold the City Manager's recommendation for denial. Upon roll call, voting aye were Commissioners Berry, Reeves, Stewart and Mayor Dunnigan. Nay - Commissioner Gunderson. Motion passed.

RECESS:

Mayor Dunnigan declared the meeting recessed at 8:22 PM until May 20, 1998 at 7:00 PM.

A. R. DUNNIGAN, MAYOR

ATTEST: